

**SUPERIOR COURT**  
(Commercial Division)

C A N A D A  
PROVINCE OF QUEBEC  
DISTRICT OF MONTREAL

**Court No: 500-11-041305-117**

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**Date: October 7, 2011**

**Present: THE HONOURABLE LOUIS J. GOUIN, J.S.C.**

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**IN THE MATTER OF THE PLAN OF COMPROMISE OR ARRANGEMENT OF:**

**HOMBURG INVEST INC.  
HOMBURG SHARECO INC.  
CHURCHILL ESTATES DEVELOPMENT LTD.  
INVERNESS ESTATES DEVELOPMENT LTD.  
CP DEVELOPMENT LTD.**

Debtors

-and-

**HOMCO REALTY FUND (52) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (88) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (89) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (92) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (94) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (105) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (121) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (122) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (142) LIMITED PARTNERSHIP  
HOMCO REALTY FUND (199) LIMITED PARTNERSHIP**

Mis-en-cause

-and-

**SAMSON BÉLAIR/DELOITTE & TOUCHE INC.**

Monitor

-and-

**STICHTING HOMBURG BONDS  
STICHTING HOMBURG CAPITAL SECURITIES**

Trustees

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**BONDHOLDERS LISTING ORDER**

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- [1] **CONSIDERING** the "Motion by the Monitor to Obtain Lists of Registered Bondholders" (the "**Motion**"), pursuant to Section 11 of the *Companies' Creditors Arrangement Act R.S.C. 1985 c. C-36* (the "**CCAA**"), the affidavit and the Exhibits in support thereto, and the submissions of counsel for the Debtors, the Monitor and the Trustees;
- [2] **CONSIDERING** the similar request made by the Debtors to obtain the list of securities holders in respect of which the Trustees act as indenture trustees;
- [3] **CONSIDERING** that the Trustees have indicated to the Court that they are prepared to provide the lists requested by the Monitor and the Debtors, but have expressed concerns with respect to the potential use to be made of such lists;
- [4] **CONSIDERING** that the requested lists contain personal information of identifiable individuals;
- [5] **CONSIDERING** the duties and powers of the Trustees under the applicable trust indentures;
- [6] **CONSIDERING** the role of the Monitor as the officer of this Court;

**FOR THESE REASONS, THE COURT:**

- [7] **ORDERS** the Trustees to provide the Monitor and the Debtors with a list (the "**List**"), in electronic format, of all registered holders of bonds or debentures (the "**Securities**"), including the names and addresses of the holders of such securities issued by Homburg Invest Inc. and Homburg Shareco Inc. pursuant to the trust indentures (as amended, modified or supplemented from time to time) referred to as Exhibits R-1, R-2 and R-3 in the Motion (the "**Indentures**"), as well as the principal amount and the serial numbers of the Securities held by each such holder;
- [8] **ORDERS** that the List and the information contained therein be kept confidential and shall not be disclosed to any third party (other than any third party acting as mailing/house distribution agent) without the authorization of this Court;
- [9] **ORDERS** that the List be used by the Monitor solely in its capacity as court appointed monitor pursuant to the CCAA, or as authorized by this Court;
- [10] **ORDERS** that the List be used by the Debtors solely for the purpose of providing information relating to or in connection with the Indentures or the CCAA proceedings, or as authorized by this Court.
- [11] **THE WHOLE WITHOUT COSTS.**

  
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**LOUIS J. GOUIN, J.S.C.**

Me Sandra Abitan  
**OSLER, HOSKIN & HARCOURT LLP**  
Counsel for the Debtors and Mis-en-cause

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Me Mason Poplaw  
**MCCARTHY TÉTRAULT LLP**  
Counsel for the Monitor

Me Guy Martel  
**STIKEMAN ELLIOTT LLP**  
Counsel for the Trustees